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REMARKS

This response is to the Office Letter mailed in the above-referenced case on June 29, 2006. Claims 5, 13 and 18 are rejected under 35 U.S.C. 102(e) as being anticipated by Wang et al. (US 6934543) hereinafter Wang. Claims 1-4, 6-9, 11-12 and 14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wang in view of Logan et al. (US 20050153729).

In response to the Examiner's present office action, applicant herein provides arguments which clearly show where the art of Wang and Logan fail to read on applicant's claims.

Applicant teaches and claims a system and method wherein TOD is determined for a user and the caller to the subscriber controls the ring, or no ring and further options for the call based on the determined TOD.

Wang does seem to determine TOD for a subscriber and is notified of the destinations TOD. Wang is then limited to selecting yes/no as to whether the call is an emergency. Applicant argues that Wang may determine geographic location and TOD at the geographic location, but fails to provide options to the calling party based upon the TOD determined, as claimed.

The Examiner relies on the art of Logan to teach said calling options. Applicant argues that Logan fails to teach providing options based on TOD. Logan merely allows the called party to set up call answering and forwarding features, but has no teaching or motivation for providing options dependent upon the TOD of the called party. The Examiner has again failed to provide a piece of art to teach applicant's key limitation of calling options being provided based upon a determined TOD of the called party, as claimed.

Applicant argues that without said specific teaching motivation is not present in the art to make the combination of teachings in Wang and Logan to read on applicant's claims. The Examiner must obtain motivation through hindsight knowledge of applicant's invention in the absence of prior art which teaches calling options offered to a

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calling party based upon TOD. There are no options, i.e. don't ring or go directly to voice mail, based on the TOD determined provided in the art of Wang or Logan. Therefore, the art fails.

Applicant's independent claims 1, 5, 9 and 18 are clearly patentable as argued over the art provided by the Examiner. Dependent claims 2-4, 6-8, 11-12 and 14-16 are patentable on their own merits, or at least as depended upon a patentable claim.

Applicant respectfully request reexamination and the case be quickly passed to issue. If there are any fees due beyond any fees paid with the present application and amendment, such fees are authorized to be deducted from deposit account 50-0534, and if any time extensions such extensions are petitioned, and fees authorized to be deducted from deposit account 50-0534.

Respectfully submitted,
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